

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BMC SOFTWARE, INC.

§

v.

§

Case No. 2:14-CV-903-JRG

§

SERVICENOW, INC.

§

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**MINUTES FOR MOTIONS HEARING
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP**

January 25, 2016

OPEN: 9:03 a.m.**ADJOURN: 2:23 p.m.**

ATTORNEYS FOR PLAINTIFF: (See attached.)

ATTORNEYS FOR DEFENDANTS: (See attached.)

LAW CLERK: James Wang
Emily Chen

COURT REPORTER: Shelly Holmes, CSR-TCRR

Time	Minutes
9:03 a.m.	Court opened. Messrs. Hubert and Dacus introduced co-counsel.
	The Court heard argument, ruled and carried ruling on the following Motions: Defendant ServiceNow, Inc.'s Motion For Summary Judgment Of Invalidity Pursuant To 35 U.S.C. § 101 (Dkt. No. 235). Ms. Keefe and Mr. Hubert argued.
	BMC Software, Inc.'s Motion To Strike And Exclude Opinions Of ServiceNow, Inc.'s Technical Consultants Contrary To Court's Claim Constructions (Dkt. No. 226). Mr. Jordan and Ms. Keefe argued.
10:30 a.m.	Recess.
10:44 a.m.	Court reconvened. Court heard additional argument on BMC Software, Inc.'s Motion To Strike And Exclude Opinions Of ServiceNow, Inc.'s Technical Consultants Contrary To Court's Claim Constructions (Dkt. No. 226). Mr. Jordan and Ms. Keefe argued.
10:56 a.m.	ServiceNow, Inc.'s Motion To Strike Expert Testimony of Dr. Mark Jones and ServiceNow, Inc.'s Motion To Strike Expert Testimony of Dr. Hugh Smith (Dkt. Nos. 232 and 234). Mr. Mead and Mr. Hubert argued.
11:50 a.m.	Recess until 1p.m.
1:09 p.m.	Court reconvened. Court heard argument, ruled and carried ruling on the following motions: Plaintiff BMC Software, Inc.'s Motion To Strike The Expert Report Of Tim Crawford (Dkt. No. 224). Ms. Englemann and Mr. Dacus argued.

Time	Minutes
1:30 p.m.	Plaintiff BMC Software, Inc.'s Motion To Strike Expert Reports of Dr. Keller, Dr. Weissman, Dr. Greenberg, And Mr. Bakewell Relating To Undisclosed Non-Infringing Alternatives (Dkt. No. 225). Mr. Tolliver and Ms. Keefe argued.
	Motion To Exclude The Testimony Of Dr. Michael P. Akemann (Dkt. No. 237) argument. Mr. Dacus and Mr. Tolliver argued.
2:23 p.m.	Court addressed O2 Micro motion issues. Court adjourned.